

City Council Special Meeting, January 29, 2002

Twin Pines Senior and Community Center, 1223 Ralston Avenue

**DUE TO A POWER OUTAGE, THE JANUARY 22 MEETING WAS POSTPONED TO JANUARY 29.**

**REGULAR MEETING – 8:05 P.M.**

**ROLL CALL**

COUNCILMEMBERS PRESENT: Metropulos, Cook, Wright, Bauer, Warden,

COUNCILMEMBERS ABSENT: None

Staff Present: City Manager Kersnar, Assistant City Manager Rich, City Attorney Savaree, Community Development Director Ewing, Senior Engineer Yoshida, Finance Director Fil, Police Chief Janke, Parks and Recreation Director Mittelstadt, IT Manager Harnish, Human Resources Director Dolan, Battalion Chief Price, City Clerk Kern

Other's Present: City Treasurer Mason

**SPECIAL ORDERS OF THE DAY/PRESENTATIONS**

**Proclamation declaring the month of February as Melodrama Month in the City of Belmont (Belmont Community Players).**

Proclamation was read and given to the Belmont Community Players during the Redevelopment Agency Meeting held earlier.

**Proclamation honoring the memory of former Councilmember Eve Sterry.**

Mayor Warden read the proclamation and explained that this proclamation had been presented to the family of Ms. Sterry on last Tuesday.

**75<sup>th</sup> Anniversary Committee Final Report.**

Ms. Cheechov thanked the City Council, staff, Police and Fire Departments and all the volunteers for making this month long event so memorable.

Ms King distributed the final financial statement and stated they had received \$23,622.00, spent \$17,000, which left a balance of \$5,000. Ms.

King noted that the committee planned to donate these funds to the Historical Society, City of Belmont to enhance the reader board, and purchase an animal sculpture for Twin Pines Park.

### **PUBLIC/COUNCIL COMMENTS**

**Mr. Campbell**, 3636 Jefferson Avenue, Redwood City, invited the Council to attend the Planning Commission meeting on Tuesday, February 5th to view his Monte Cresta Avenue Project and make comments.

City Manager Kersnar cautioned Council against going to this meeting and commenting. He noted that this project may come to Council in the future with proper notice, and there would be adequate opportunity to discuss the project.

In response to C. Bauer, City Manager Kersnar stated that Councilmembers could attend this meeting, but could not discuss it with each other, or make comments that may appear to prejudice a future decision.

C.Warden congratulated the staff, the Redwood City and County staff and Cal Trans for getting the Federal Highway Commission to sign off on the environmental document for our Ralston/101 Project. This action allowed us to beat a deadline that halted all federal projects as of January 21<sup>st</sup>, and put all federal projects back two years because of an air quality issue. Mayor Warden noted that because we met the deadline, this project would be funded in FY2002.

C. Warden reminded citizens that the deadline for commission applications was February 8<sup>th</sup>.

He noted that teenagers were being encouraged to apply for the two seats on the Parks and Recreation Commission.

C. Warden noted that State Senator Speier would be holding a Town Hall meeting at Ralston Hall this Saturday at 10:00 A.M.

C.Metropulos announced that Belmont had made the semi-finals in the Council of Cities Quiz Kids contest.

C.Metropulos explained that the Carlmont Boosters Crab feed had been successful.

C.Cook announced that the team name for the Council of Cities Belmont Team was the "Great Scots". She announced that the Millard Fillmore trivia

contest for Carlmont High School would be held this weekend. She invited anyone that was interested to join the fun.

### **AGENDA AMENDMENTS**

Mayor Warden announced that Consent Calendar items 4-I (Financial Statements) and 4-M (Belmont Canyon Rd.) would be considered separately.

### **CONSENT CALENDAR**

**Approval of meeting** minutes: Regular Meeting, December 11, 2002; Adjourned Regular Meeting, December 12, 2002.

**Approval of Warrant** List Dated: January 4, 2002 in total amount of \$1,085,905.80.

**Written Communication** 1). Rec. 1/16/02 Order instituting rulemaking to repeal rule 63.2(b) of the Commission Rules of Practice and Procedure PUC 02-01-010.

**Motion to approve** Claims Management Report.

**Motion approving** the Crossroads Report Update.

**Resolution No. 9171** approving a Professional Services Agreement with Geoff Ball and Associates to provide Facilitation Services for a City Council Workshop, for an amount not to exceed \$5,700.

**Resolution No. 9172** approving a Professional Services Agreement with Noll and Tam to provide Site Planning Services for the Police Facility/City Hall, for the amount of \$15,800.

**Resolution No. 9173** authorizing approving the City of Belmont's Investment Policy.

**Resolution No. 9174** approving City Council Protocols.

**Motion to** approve Final Sewer Revenue Bond Report.

**Resolution No. 9175** authorizing City Staff to lease Suite 130 and Suite 150 in Belmont City Hall, 1070 Sixth Avenue to FACES. (Family and Community Enrichment Services)

Consent Calendar adopted as amended. On motion by C. Wright, seconded by C. Cook, and approved unanimously by show of hands.

**Consideration of Motion accepting Financial Statements for the City of Belmont FY 00-01.**

**Comprehensive Annual Financial Report (CAFR)**

**Single Audit Report**

**Ralston/Harbor/Holly Grade Separation Project**

**Southern San Mateo Police Authority**

**Agreed Upon Procedures Report on Compliance with Proposition 111 (City)**

**Agreed Upon Procedures Report on Compliance with Proposition 111 (Belmont Fire Protection District)**

**Independent Auditor's Report on Management's Assertion (Measure A).**

Mayor Warden thanked the Finance Department, Finance Commission, and City Treasurer for such complete reporting of these financial documents. Mayor Warden congratulated Finance Director Fil on achieving the title of Certified Public Finance Officer.

**Action:** on motion by C. Cook, seconded by C. Bauer, and approved unanimously, by show of hands to accept: Financial Statements for the City of Belmont FY 00-01

**Resolutions approving Road Improvement and Maintenance Agreement and Permanent Encroachment Agreements between the City of Belmont and Abutting Property Owners and Authorizing Execution thereof for Ralston Avenue Frontage Road Extension.**

City Attorney Savaree explained that a prior Council approved this Road Improvement Project in 1994. She stated that the current owners have requested that a Road Improvement and Maintenance Agreement be approved so they could move forward. She said the agreement sets forth the requirements for bonds and construction according to City standards within 180 days, and responsibility for maintenance of the road until accepted as a public road. City Attorney Savaree noted that the owners were liable for any and all damages caused by this construction. She said the City had the right to put a lien against the properties if the owners failed to maintain the road.

She explained there was an indemnification and hold harmless agreement in favor of the City included in the document.

City Attorney Savaree explained that the three permanent encroachments were needed because some of the improvements needed to be constructed on City land.

In response to C. Bauer, City Attorney Savaree stated that the City had the ability to put a lien on the properties to recover damages if necessary.

**Mr. Gibson,** 3113 East Laurel Creek, asked if this project was in agreement with the San Juan Hills Area Plan?

City Attorney Savaree stated that a prior Council had given all approvals in 1994 when they approved this Hillside Road Plan. She noted that the approvals were given based on the San Juan Hills Plan. and this project met those standards.

**Action:** on motion by C. Wright, seconded by C. Cook, and approved unanimously, by show of hands to adopt:

**Resolution No. 9176** approving a Road Improvement Agreement and Maintenance agreement between the City of Belmont and abutting property owners and authorizing execution thereof for Ralston Avenue Frontage Road Extension, APN's 043-322-070,-043-322-080, and 073-322-450.

**Action:** on motion by C. Wright, seconded by C. Cook, and approved unanimously, by show of hands to adopt:

**Resolution No. 9177** approving Permanent Encroachment Agreement for the construction of a retaining wall and metal railing within the public-right-of-way at 2518 Ralston Avenue, Lot #10 APN 043-322-070.(Kamal, Fallaha).

**Action:** on motion by C. Wright, seconded by C. Cook, and approved unanimously, by show of hands to adopt:

**Resolution No. 9178** approving Permanent Encroachment Agreement for construction of a retaining wall, metal railing and barricade within the Public right-of-way at 2518 Ralston Avenue, Lot #11, APN 043-322-080 (Reem, Faddah).

**Action:** on motion by C. Wright, seconded by C. Cook, and approved unanimously, by show of hands to adopt:

**Resolution No. 9179** approving Permanent Encroachment Agreement for the construction of a retaining wall and metal railing within the public right-of-way at APN 043-322-450 (Ahmad Abdul-Rahman).

## **PUBLIC/HEARINGS**

**Public Hearing to consider an appeal to the Planning Commission denial of a Tentative Parcel Map, Conditional Use Permit, and Single Family Design Review application to create two parcels from a 17,712 square foot site and construct a new two-story 2,548 square foot single family home on the new lot. The proposed minor subdivision would create a 10,949 square foot parcel containing an existing single family residence. The proposed new single family dwelling would be located on the smaller 6,763 square foot parcel. The existing property is in a Planned Development District. APN: 045-441-540; Zoned: PD (Planned Development) Exemption Marvin and Mitra Bergloff (Applicant and CEQA Status: Categorical Owner)**

City Attorney Savaree explained that the applicant for this project had indicated to staff that they decided to resubmit plans to the Planning Commission, and if acted on favorably, there would be no need for this appeal to move forward. She said if it was not approved, the applicant still had the option to appeal.

**Action:** on motion by C. Bauer, seconded C. Wright, and approved unanimously, by show of hands, to table this item.

## **OLD BUSINESS**

### **Consideration of Implementation of Work Program for Permit Re-engineering.**

Community Development Director Ewing explained that staff had provided recommendations for implementation of this project. He said these strategies had been regrouped to provide a multi-pronged strategy to implement this process. He noted that all 33 recommendations had been re-engineered into various areas of implementation. Community Development Director Ewing reported that quarterly updates on these various strategies would be given to Council. He noted that an Ad Hoc Committee would be formed to implement and oversee the permit re-engineering program.

Community Development Director Ewing reviewed the plan for the "one-stop" permit center and suggested that this be located in the former Grade

Separation Office. He said a laboratory approach would be tested to provide the best configuration for a permanent one-stop counter.

He requested endorsement from Council, so staff could proceed with putting a budget together for physical improvements. Community Development Director Ewing stated he hoped the space would be ready by March 15<sup>th</sup>, and open for business the following Monday.

C. Wright stated that he felt communication throughout this process was critical to the success of this process. He said he liked this laboratory approach, so that this idea could be implemented immediately.

In response to C. Cook, Community Development Director Ewing explained that staff members would be physically moving to this new location. He said that adjustments would need to be made as the process proceeded. He said they were hoping to gain some efficiency, as various staff members become cross-trained. He said this would allow a better information flow on projects as each staff member learns what each department's role is in a project.

City Manager Kersnar said that during this time, staff would be able to evaluate the requirements or needs of the physical layout, so that more informed decisions on the permanent project can be evaluated.

Community Development Director Ewing stated that he would be doing community outreach to get input on this one-stop lab approach.

**Action:** on motion by C. Bauer, seconded by C. Cook, and approved unanimously, by show of hands, to authorize implementation of the Management Partners recommendation in accordance with the suggestions outlined in the staff report.

## **NEW BUSINESS**

### **Report on the Restructure of the Police Department to Performance Budget Format.**

Assistant City Manager Rich reviewed the philosophy behind this approach and explained the seven guiding principles. He explained that the City operations would be restructured into Service Groups, and the new Service Areas and Service Centers and would have their own Mission statements and Specific Performance Measures. He noted that the outcomes from these service groups would be measured in order to track trends, evaluate performance and as a planning tool.

In response to C. Wright, Assistant City Manager Rich stated that a survey would be conducted to capture the measures that could not be determined by hard data.

Police Chief Janke reviewed the Police Departments Performance budget format and explained the methodology used to determine the measures and weights.

In response to C. Cook, Police Chief Janke stated that the survey would provide valuable data from the community to assess how they feel about the Police Department. He said this new data might change the philosophy of the department.

In response to C. Wright, Police Chief Janke explained that customer satisfaction was weighted higher than the crime rate, because customer satisfaction effects the whole community and translates into confidence the community feels.

In response to C. Bauer, Police Chief Janke stated he did not anticipate having to add staff to get this project complete. He explained that they were already keeping records, and would now count some things differently.

City Manager Kersnar explained that the first year would be the most labor intensive.

**Meeting recess** at this time being 9:20 P.M.

**Meeting resumed** at this time being 9:30P.M.

Assistant City Manager Rich reviewed the four key recommendations and requested Council's input to determine if they were appropriate.

**Action:** on motion by C. Wright, seconded by C. Bauer and approved unanimously, by show of hands to approve the: Mission Statement.

**Action:** on motion by C. Cook, seconded by C. Metropulos and approved unanimously, by show of hands to concur that the: Measures are appropriate.

**Action:** on motion by C. Bauer, seconded by C. Wright, and approved unanimously, by show of hands to concur that the: Weights appropriate for the Measures.

**Action:** on motion by C. Metropulos, seconded by C. Wright, and approved unanimously, by show of hands to concur that the: Crime Weights are appropriate.

**Discussion and direction authorizing Lot Mergers for properties in the San Juan Hills Area. (Round 2).**

Community Development Director Ewing explained this was the second and final round of lot mergers. He noted that four of the lots had changed ownership, and the remaining lots were missed in the early screening of eligible lots. He said if Council approved this action, staff would record the Notice of Intention immediately to establish the 30 day opportunity for filing an appeal.

**Action:** on motion by C. Bauer, seconded by C. Cook, and approved unanimously, by show of hands, to authorize lot merger proceedings on lots in the San Juan Hills – Round 2.

**Discussion and direction regarding a Citizen Opinion Survey.**

Assistant City Manager Rich explained that a citizen survey had not been done since 1995, and staff was recommending that another survey be conducted to provide a baseline on service delivery to the citizens. He noted that several of the Performance Budgeting Service Areas would have a customer satisfaction component, and this survey would provide that data. Assistant City Manager Rich explained that if Council authorized staff to proceed, a contract would be developed with a professional survey firm.

Following discussion regarding various methods to use to conduct this citizen survey, Council concurred to have staff look for a firm to conduct such a survey.

**G. Kranen** 1902 Notre Dame, stated that a group he is associated with just completed a phone survey and along with a personal visit, which had been successfully completed.

**Action:** on motion by C. Wright, seconded by C. Bauer, and approved unanimously, by show of hands, to direct staff to develop a contract with a professional survey firm to conduct a citizen opinion survey in Belmont.

At this time, Mayor Warden requested that agenda item #9 be moved up for discussion. Council concurred to move this item forward.

**MATTERS OF COUNCIL INTEREST/CLARIFICATION**

**Discussion and direction regarding consideration of an ordinance to regulate Day Care Facilities. (Warden)**

Mayor Warden stated that he would like to have staff clarify the rules and regulations of the State and City regarding zoning and use of day care facilities in residential areas.

City Manager Kersnar explained that in the case of day care facilities with 14 or fewer clients, the State had preempted the City from legislation. When there are 8 or less clients, the city must allow it as a permitted use in neighborhoods. He reported that if there were 9-14 clients, then the facility can either be granted a permit through a public hearing, or it can be non-discretionary. If it's non-discretionary, that means as long as it meets state ordinances, the city must grant the day care a permit. The testimony at the hearing would be limited to how the State standards were met, or not met. City Manager Kersnar explained that the ability of the Council to decide was very circumscribed. He stated that State Law does not give Cities much authority to regulate, which could be frustrating to neighbors looking for relief. He noted that in this case, State Law governs us.

In response to C. Cook, Community Development Director Ewing explained that the State indicated that a daycare facility must be treated the same as a single-family unit.

City Attorney Savaree clarified that the State Legislature is preempting this field. They have found that these are appropriate uses for neighborhoods, and the power for cities to regulate these facilities has been taken away.

Community Development Director Ewing stated that if Council decided to hold these public hearings, a special day care permit process would be necessary, and it would not fall under the zoning ordinance. He said the only regulation that could be acted upon by the City would be on a nuisance complaint.

**Neighbors opposed to this daycare facility in the neighborhood because of the automobile traffic, unsafe walking conditions, noise, parking and number of children allowed**

**Mr. Long**, 857 South Rd.

**Mr. Tousant**, 1515 Winding Way

**Ms. Chacon**, 1568 Winding Way

**Mr. Cagnacci**, 1563 Winding Way

**Ms. Dahl**, 1559 Winding Way

**Mr. Gough**, 1529 Winding Way.

**M/M Cohen**, 1538 Winding Way

**Neighbors in favor of the day care facility in the neighborhood**

**M/M McCollum**, 1564 Winding Way

**Ms. Klots**, 1566 Winding Way, owner of Day Care Facility, stated that the Police Department had checked the parking situation and found no irregularities, and the State had found her in compliance when they inspected her facility. She requested help regarding these complaints from the neighbors.

**Meeting extended** at this time, being 10:30 P.M.

City Manager Kersnar stated that he would like to direct staff to facilitate a meeting for the neighborhood to discuss this issue, and work on mitigation's regarding parking and traffic to help the neighbors.

C. Wright stated that he heard a lot of nuisance complaints and those needed to be dealt with as a community. He said he was concerned that if the day care operator was not committed to solve this problem, the nuisances would continue.

C. Warden stated he would like the Planning Commission to look at the idea of an ordinance and decide if we want to proceed. He also requested that staff come up with solutions to address the neighbor's issues. He clarified that this issue should be put on the Legislative Calendar and have this issue addressed at the appropriate time.

Community Development Director Ewing noted that the Police Department had offered to put a task force together to deal with the traffic issues when this problem first came to the staff's attention.

City Manager Kersnar stated he would direct staff to put the ordinance question on the legislative calendar, and have staff begin working on the neighborhood parking issues immediately.

Following discussion, Council concurred with this direction to staff.

**Meeting extended** at this time, being 10:45 P.M.

## **BOARD, COMMISSION, COMMITTEE UPDATES, AND STAFF REPORTS**

### **Report on Service Request Process.**

Assistant City Manager Rich reported that the CrossRoads Report identified the need for better citizen complaint follow up. He explained the automated process currently in place, and assured the Council that complaint tracking was a high priority. He said that an open request report would be generated monthly, so that Council would have an idea what items were still pending. Assistant City Manager Rich explained that a new comment form would be available at Council Meetings, starting in February, to provide citizens an opportunity to register a complaint or concern and not have to speak at the meeting.

**Action:** on motion by C. Wright, seconded by C. Bauer, and approved unanimously, to accept the report and direct staff to continue with the Service Request system as outlined.

### **Report on Fire Station 14 Reconstruction Project.**

Battalion Chief Price explained that the fire station project was on target and that ground breaking should take place by June of 2002. Construction should be complete by July, 2003.

**ADJOURNMENT** at time, being 10:46 P.M. this meeting was adjourned.

Kathy Kern

Belmont City Clerk

Meeting tape recorded and video taped.

Tape No. 514